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November 30, 2017

## VIA ECF

Hon. Steven Tiscione  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: *Borja v. J & M Industries Inc.*, 17 CV 3133**

Dear Judge Tiscione:

We represent Plaintiff Lissette Borja in the above-referenced action. The parties participated in a settlement conference before the Court on October 26, 2017, where the parties reached an agreement to settle the case. Pursuant to the Court's October 30, 2017 Order, the Parties have until today, November 30, 2017, to file a Stipulation of Dismissal.

Unfortunately, despite counsel's best efforts, Defendants have refused to execute the final settlement agreement or engage in any good faith negotiation of the remaining terms of the agreement. As we do not have a final executed agreement, there is no sign that one is forthcoming, and Plaintiff specifically bargained for a short pay period, which has now elapsed, we write to inform the Court that this case has not settled and must be litigated.

While Plaintiff's counsel intends to promptly serve document requests and interrogatories in anticipation of the March 8, 2018 close of discovery, we reserve all rights to move to enforce the agreement according to the terms agreed to during the settlement conference and in subsequent correspondence.

Thank you for Your Honor's time and attention to this matter.

Respectfully submitted,



Edgar M. Rivera

cc: All Counsel of Record (via ECF)